

**FINDING OF SUITABILITY
TO TRANSFER
(FOST)**

SIERRA ARMY DEPOT

**NORTH EAST SHORE PARCEL
WEST AIRFIELD PARCEL
NORTH CROSS DEPOT ACCESS PARCEL**

SEPTEMBER 2004

FINDING OF SUITABILITY TO TRANSFER
Sierra Army Depot
North East Shore Parcel
West Airfield Parcel
North Cross Depot Access Parcel
September 2004

1. PURPOSE

The purpose of this Finding of Suitability to Transfer (FOST) is to document the environmental suitability of the North East Shore Parcel, West Airfield Parcel, and North Cross Depot Access Parcel (the Property) to the Lassen County Local Reuse Authority (LRA). This action is consistent with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 120(h) and Department of Defense (DOD) and Army policy. The FOST identifies use restrictions as specified in the attached Environmental Protection Provisions necessary to protect human health or the environment after such transfer.

2. PROPERTY DESCRIPTION

The Property consists of approximately 855 acres and no buildings. It includes the following parcels:

- North East Shore Parcel – This parcel is undeveloped open space in the northwest corner of Sierra Army Depot (SIAD), next to Honey Lake. The total area of this parcel is approximately 423 acres. (Parcel 1 on enclosed maps.) The northwest corner of this parcel is excluded from this transfer because the munitions response was not completed in time for transfer. The excluded area is from approximately 900 feet to 3,300 feet south of the northern border and runs east from Honey Lake from approximately 1,500 feet to 1,900 feet, and a narrow strip along the lake shore. (Parcel 5 on the enclosed maps.) The excluded area also includes a small part of the West Airfield Parcel. (Parcel 6 on the enclosed maps.)
- West Airfield Parcel – This parcel is undeveloped open space in the northwest corner of SIAD, next to the North East Shore Parcel. The total area of this parcel is approximately 257 acres. (Parcel 2 on enclosed maps.)
- North Cross Depot Access Parcel – This parcel is dirt roadway approximately 1.8 miles long and of varying widths. The total area of this parcel is approximately 174 acres. (Parcel 3 on enclosed maps.)
- Amadee Electrical Substation Parcel – An electrical substation owned by the Lassen Municipal Utility District is located on the parcel. The total area of this parcel is approximately 1 acre. (Parcel 4 on the enclosed maps.)

The Property was previously used as a buffer area for the adjacent Honey Lake Demolition Range operations that were conducted from October 1945 through the mid 1950's. The Honey Lake Demolition Area activities (i.e., open burning/open detonation (OB/OD)) resulted in presence of munitions and explosives of concern¹, primarily discarded military munitions² and munitions debris³ on the Property. In addition, the North East Shore Parcel was used as a Function Test Range for the testing of military munitions from the mid 1940's to the mid 1950's. This testing also resulted in discarded military munitions and munitions debris being present on this parcel. The North Cross Depot Access Parcel was used a roadway from 1955 to present. The Property is intended to be transferred and used for open space, access roads and economic development. A site map of the Property is attached (Enclosure 1).

3. ENVIRONMENTAL CONDITION OF THE PROPERTY

A determination of the environmental condition of the Property has been made based on the **Revised Final Environmental Baseline Survey CERFA Report, Sierra Army Depot Reuse Parcels Lassen County, California, March 2001 (EBS), Addendum E of the EBS, November 2003, the Environmental Assessment for the Disposal and Reuse of the BRAC Parcels at Sierra Army Depot, California, February 1998, and the Record of Environmental Consideration for the Transfer of Susanville Road and the Cross Depot Access Parcels, September 2003.** The information provided is a result of a complete search of agency files during the development of these environmental surveys. The following documents also provided information on **environmental** conditions of the Property:

- **Munitions Response Removal Action Report, East Shore Area (Note: This completion report will be included in the Administrative Record after it has been made final.)**
- **MEC Munitions Response Statement, September 2004**
- **Action Memorandum, Volume I, Engineering Evaluation/Cost Analysis, Former Honey Lake Demolition Range - East Shore Area, Sierra Army Depot, Lassen County California, April 2004**

¹ **Munitions and Explosives of Concern (MEC).** This term, which distinguishes specific categories of military munitions that may pose unique explosives safety risks means: (A) Unexploded Ordnance (UXO), as defined in 10 U.S.C. 101(e)(5)(A) through (C); (B) Discarded military munitions (DMM), as defined in 10 U.S.C. 2710(e)(2); or (C) munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. 2710(e)(3), present in high enough concentrations to pose an explosive hazard. (Note: MEC was formerly referred to as ordnance and explosives or OE.)

² **Discarded Military Munitions (DMM).** Military munitions that have been abandoned without proper disposal or removed from storage in a military magazine or other storage area for the purpose of disposal. The term does not include unexploded ordnance, military munitions that are being held for future use or planned disposal, or military munitions that have been properly disposed of consistent with applicable environmental laws and regulations.

³ **Munitions Debris.** Remnants of munitions (e.g., fragments, penetrators, projectiles, shell casings, links, fins) remaining after munitions use, demilitarization, or disposal. (Note: Munitions debris was formerly referred to as OE scrap.)

- **Volume I, Engineering Evaluation/Cost Analysis, Former Honey Lake Demolition Range - East Shore Area, Sierra Army Depot, Lassen County California, April 2004**
- **Revised Final Environmental Baseline Survey CERFA Report Addendum E, Sierra Army Depot Reuse Parcels Lassen County, California – November 2003**
- **Record of Environmental Consideration for the Transfer of Susanville Road and the Cross Depot Access Parcels - September 2003**
- **Revised Final Environmental Baseline Survey CERFA Report, Sierra Army Depot Reuse Parcels Lassen County, California – March 2001**
- **Environmental Assessment for the Disposal and Reuse of the BRAC Parcels at Sierra Army Depot, California – January 1998**
- **Final Supplemental Environmental Assessment of BRAC Excess Property at Sierra Army Depot, California – September 1999**
- **Ordnance and Explosives Archives Search Report Findings for the Honey Lake Range Lassen County, California – September 1996**

3.1. Environmental Condition of Property Categories

The DOD Environmental Condition of Property (ECP) Category for the Property is as follows:

ECP Category 4: Areas where release, disposal, and/or migration of hazardous substances has occurred, and all removal or remedial actions to protect human health and the environment have been taken.

A summary of the ECP Category for the Property is provided in Table 1 – The “Description of Property” in Enclosure 2.

3.2. Munitions and Explosives of Concern⁴ (MEC)

The Property was previously used as a buffer area for the former Honey Lake Demolition Area operations that were conducted from October 1945 through the mid 1950s. The Honey Lake Demolition Area is adjacent to the Property. The Honey Lake Demolition Area activities (i.e., OB/OD) resulted in the presence of discarded military munitions (DMM) and munitions debris on the Property. In addition, the North East Shore Parcel was used as a Function Test Range for the testing of military munitions. This testing also resulted in presence of DMM and munitions debris on this parcel. Because this was the buffer (kick-out) area for the Honey Lake Demolition Range and based on the results of the investigations below, most of the DMM and munitions debris were expected to be close to the surface (within 6 inches of the ground surface).

In April, 2004 the Army completed an investigation of the Property. Three EE/CA field investigations were conducted at the East Shore Area: Phase I, Phase II, and Phase III. A summary of the EE/CA field investigations is as follows:

Phase I Investigation - The Phase I EE/CA field investigation was conducted from February to April 1999. It consisted of geophysical mapping using handheld metal detectors and excavation along a series of random transects dissecting the Property. The investigation confirmed the presence of DMM and munitions debris on the Property.

- Phase II Investigation – The Phase II EE/CA field investigation was conducted from January to April 2000. This investigation focused on Function Test Range and the area access routes. The investigation confirmed high concentrations of DMM and munitions debris at the Function Test Range Area and small quantities munitions debris (but no MEC items) on the access roads.
- Phase III Investigation – The Phase III EE/CA field investigation was conducted from July to September 2003. This investigation confirmed the absence of DMM items and munitions debris adjacent to and outside of the east and south boundaries of the Property.

As a result of the three EE/CA field investigations, 117 DMM items (e.g., fuzes and partially detonated munitions) were discovered. The DMM items were turned over to SIAD and destroyed. A total of 115 out of the 117 DMM items (98%) and 10,602 out of the 10,873 anomalies (97.5%) were recovered between 0 and 6 inches below ground surface. Based on the results of the above field investigations, the Army conducted a munitions response from April to August 2004 on the Property.

As part of the April to August 2004 munitions response, the Army investigated the entire Property with handheld metal detectors. The metal detectors had a capability of detecting a 20 mm projectile to a depth of at least 12 inches and a 37 mm projectile to a depth of at least 18 inches below the surface. The Army investigated all anomalies and removed all metal items larger than a 20 mm projectile (i.e., a metallic object 4/5 inch by 4 inches). A total of 77 DMM items (e.g., fuzes and partially detonated munitions) were discovered. The DMM items determined safe to move were shipped to Clean Harbors Environmental Services, Colfax, Louisiana for destruction. One DMM item, which was determined unsafe to move, was detonated on site. A total of 74 out of 77 DMM items (96.1%) were recovered between 0 and 6 inches below ground surface. Approximately 4,517 pounds of munitions debris and 3,391 pounds of non-MEC related scrap were removed from the Property.

The Munitions and Explosives of Concern (MEC) Munitions Response Statement (Enclosure 6) concluded that the completed munitions response allowed the Property's release for unrestricted use. A summary of MEC discovered on the property is provided in Table 2 – Notification of Munitions and Explosives of Concern (Enclosure 3). Given the Property's past use, there is a remote potential that subsurface MEC could be present on the Property. Therefore, the deed will include a MEC Notice (Enclosure 4).

Note – The California Department of Toxic Substances Control (DTSC) has concluded that based on the known presence of DMM and the uncertainties associated with the munitions response, the potential exists for DMM and munitions debris to remain onsite. The DTSC does not consider property owned by the federal government to be suitable for transfer where hazardous substances (i.e., the previously described DMM) may remain on the property at levels which are not suitable for unrestricted use of the land, without an appropriate land use covenant. The DTSC is preparing a land use covenant that will be executed and recorded as part of the property transfer. The land use covenant will restrict certain future land uses (e.g., residential, hospital, schools, and daycare); soil disturbance at or below one foot below grade without a DTSC approved site safety plan; and removal of soil from the Property without DTSC approval. Additionally, the land use covenant will require an annual inspection for compliance with any of the restrictions by DTSC or future owners of the Property. DTSC will provide this covenant for review separately.

3.3. Storage, Release, or Disposal of Hazardous Substances

3.3.1. Hazardous Substance Storage, Release, or Disposal

As a result of field investigations and munitions response, 194 DMM items (e.g., fuzes or partially detonated munitions) were removed from the Property. See Section 3.2 Munitions and Explosives of Concern (MEC) for additional information. These DMM items contained explosives and were determined to present an explosive hazard. Because these DMM items were capable of detonation or explosive reaction, they have been identified as characteristic (reactivity) hazardous waste, and therefore, are also hazardous substances. As such, the Army is reporting that these hazardous substances were stored, released, or disposed on the Property in excess of the reportable quantities listed in 40 CFR Part 373. A summary of MEC discovered on the property is provided in Table 2 - Notification of Munitions and Explosives of Concern (Enclosure 3).

3.3.2. Investigation/Remediation Sites

The former Honey Lake Demolition Range is an investigation/remediation site identified in the EBS. See Section 3.2 for additional information.

3.4. Petroleum and Petroleum Products

3.4.1. Underground and Above-Ground Storage Tanks (UST/AST)

There is no evidence that UST/AST petroleum or petroleum products in excess of 55 gallons at one time were stored, released, or disposed of on the Property. Accordingly, there is no need for any notification of UST/AST petroleum product storage, release, or disposal.

3.4.2. Non-UST/AST Storage, Release, or Disposal of Petroleum Products

There is no evidence that non-UST/AST petroleum or petroleum products in excess of 55 gallons at one time were stored, released, or disposed of on the Property.

3.5. Polychlorinated Biphenyl (PCB) Equipment

There is no PCB containing equipment on the Property. The Amedee Electrical Substation is in on the north edge of the West Airfield Parcel (Parcel 4 on enclosed maps.). The substation itself is not owned by the Army, but by the Lassen Municipal Utility District, but the land beneath it is owned by the Army. During regular inspections by the SIAD Environmental department, no leaks have been identified. Sampling has been completed and no PCBs were detected.

3.6. Asbestos

There is no asbestos containing material on the Property.

3.7. Lead-Based Paint (LBP)

There is no LBP on the Property.

3.8. Radiological Materials

There is no evidence that the radioactive material or sources were used or stored on the Property.

3.9. Radon

As there are no buildings, no radon testing was conducted on the Property.

4. ADJACENT PROPERTY CONDITIONS

The former Honey Lake Demolition Area was used for OB/OD operations from October 1945 through the mid 1950s. This area is on the lakebed of Honey Lake and borders the Property on the west boundary of the North East Shore Parcel. The presence of MEC on the adjacent property does not present an unacceptable risk to human health and the environment for this property transfer because the Army previously completed an interim action--a munitions response (surface removal of MEC) of the lakebed portion of the Honey Lake Demolition Area. In addition, the Army installed warning signs on both the lakebed and on the access roads to the Property to deter unauthorized access to areas that potentially contain MEC. Any future munitions response actions on the adjacent property will be determined, in concert with future recipients and regulators, by the results of the Honey Lake Demolition Area Engineering Evaluation/Cost Analysis (EE/CA) that is scheduled for completion in the near future.

5. ENVIRONMENTAL REMEDIATION AGREEMENTS

The following environmental remediation order/agreement is applicable to the SIAD: the Federal Facility Site Remediation Agreement (FFSRA) dated 30 May 1991. The former Honey Lake Demolition Area is an FFSRA study area/operable unit. The Army conducted soil sampling as part of the investigation and no *munitions constituents* (e.g., *heavy metals*, *RDY*, *HMX*) were detected above background levels. Two samples detected explosives, but both were at levels below the preliminary remediation goals set by the U.S. Environmental Protection Agency, Region IX. The deed will include a provision reserving the Army's right to conduct response action or corrective action found to be necessary in the future (See Enclosure 4).

6. REGULATORY/PUBLIC COORDINATION

The U.S. EPA Region IX, the DTSC, and the public were notified of the intent to sign the FOST. The document was forwarded to regulators/public for comments. Regulatory and public comments will be reviewed and incorporated as appropriate. A copy of the regulatory comments and the Army Response are provided at Enclosures 6 and 7.


7. NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE

The environmental impacts associated with proposed transfer of the Property have been analyzed per the National Environmental Policy Act (NEPA). The results of this analysis have been documented in the **Environmental Assessment for the Disposal and Reuse of the BRAC Parcels at Sierra Army Depot, California, February 1998**, and the **Record of Environmental Consideration for the Transfer of Susanville Road and the Cross Depot Access Parcels, September 2003**. No encumbrances or conditions were identified as necessary to protect human health or the environment as part of the NEPA analysis.

8. FINDINGS OF SUITABILITY TO TRANSFER

Based on the information above, I conclude that that all removal or remedial actions necessary to protect human health and the environment have been taken and the Property is transferable under CERCLA. In addition, all DOD requirements to reach a finding of suitability to transfer have been met subject to the terms and conditions set forth in the attached Environmental Protection Provisions, which shall be included in substantially the same form in the deed for the Property.

The Environmental Protection Provisions also include the CERCLA covenant and access provisions. Finally, the hazardous substance notification (Table 2 – Notification of Munitions and Explosives of Concern) shall be included in the deed as required under the CERCLA Section 120(h) and DOD FOST Guidance.



Raymond J. Fatz

Deputy Assistant Secretary of the Army
(Environment, Safety and Occupational Health)
OASA(I&E)

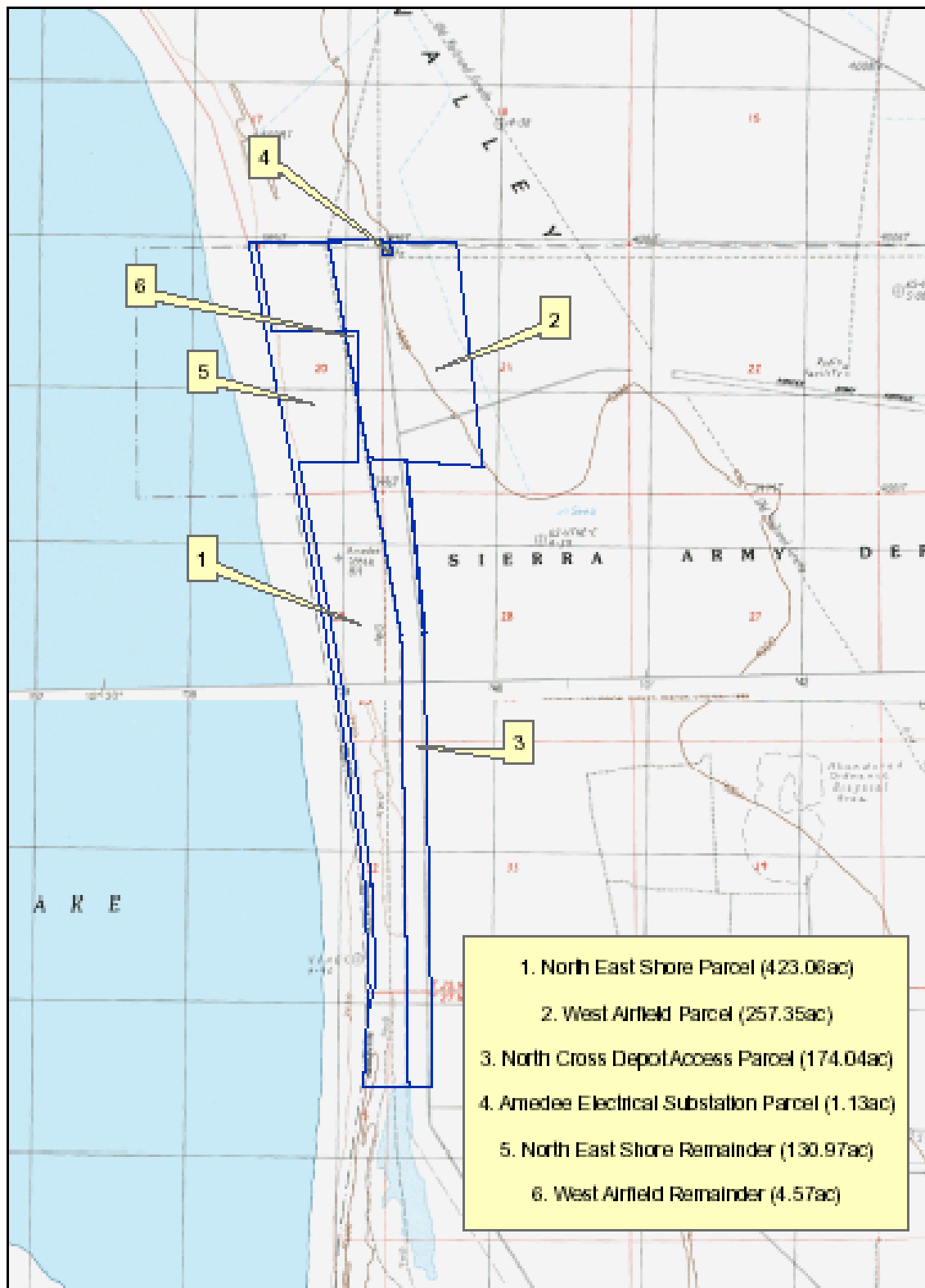
Date: 9/15/04

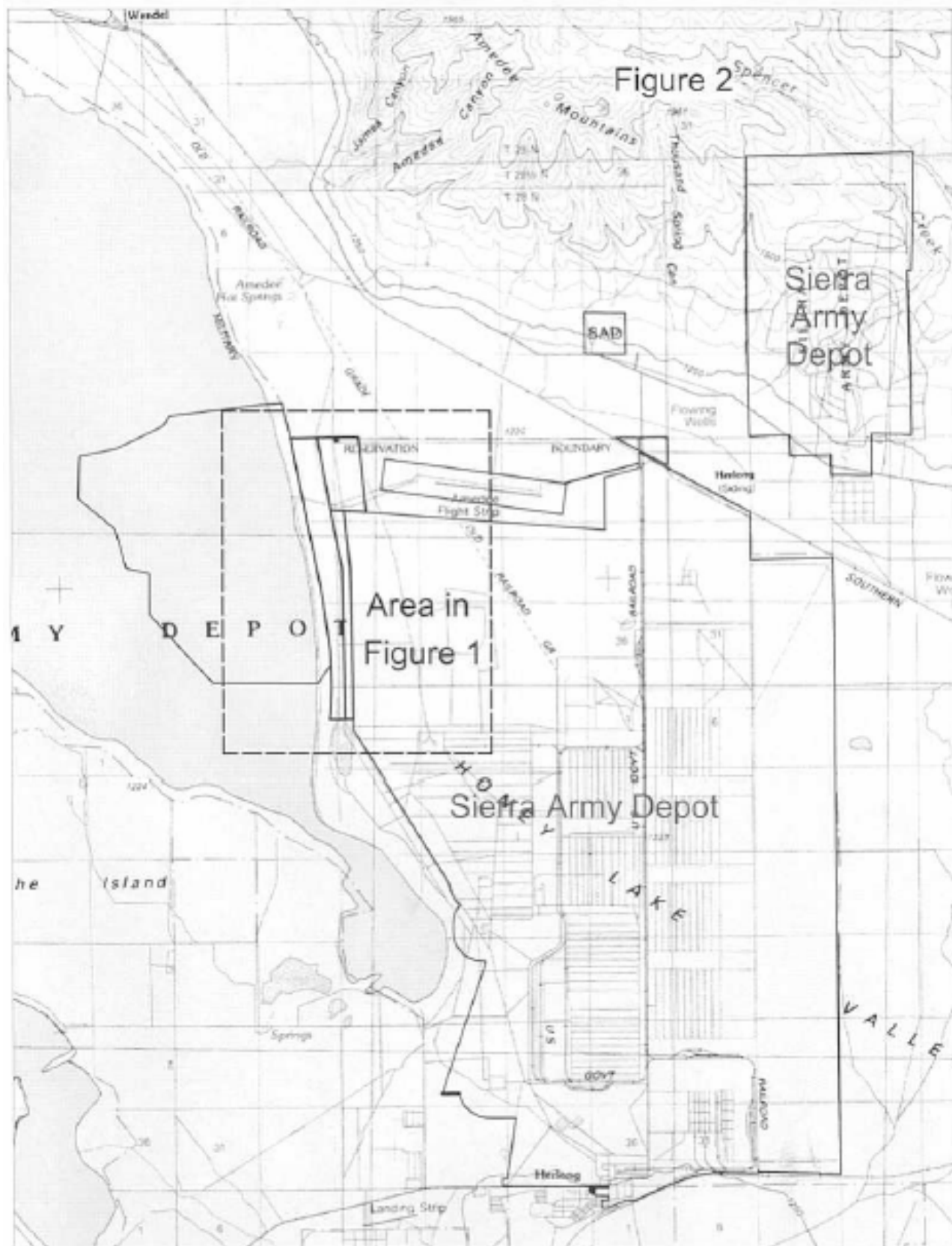
- Encl 1 - Site Map
- Encl 2 - Table 1 – Description of Property
- Encl 3 - Table 2 - Notification of Munitions and Explosives of Concern (MEC)
- Encl 4 - Environmental Protection Deed Provisions
- Encl 5 - MEC Munitions Response Statement
- Encl 6 - Regulatory/Public Comments
- Encl 7 - Army Response to Regulatory/Public Comments

ENCLOSURE 1

SITE MAP

Figure 1





ENCLOSURE 2

Table 1 – Description of Property

Property Description	EBS Parcel Designation	Condition Category	Remedial Actions
North East Shore (minus excluded area)	East Shore	4	All Actions Complete
West Airfield (minus excluded area)	Airfield	4	All Actions Complete
North Cross Depot Access	Cross Depot Access	4	All Actions Complete
Amedee Electrical Substation	Amedee Electrical Substation	4	All Actions Complete

Category 1: Areas where no release or disposal of hazardous substances or petroleum products has occurred. (including no migration of these substances from adjacent areas)

Category 2: Areas where only release or disposal of petroleum products has occurred.

Category 3: Areas where release, disposal, and/or migration of hazardous substances has occurred, but at concentrations that do not require a removal or remedial response.

Category 4: Areas where release, disposal, and/or migration of hazardous substances has occurred, and all removal or remedial actions to protect human health and the environment have been taken.

ENCLOSURE 3

TABLE 2

Table 2 – Notification of Munitions and Explosives of Concern (MEC)*

Type of MEC	Date of MEC Activity	Munitions Response Actions
Discarded Military Munitions (DMM)	1945 through the mid 1950s	The Property was previously used as a buffer area for the former Honey Lake Demolition Area. In addition, the North East Shore Parcel was used as a Function Test Range for the testing of military munitions. These activities resulted in placement of DMM on the Property. In August 2004, a munitions response was completed on the Property. The Army investigated the entire Property with handheld metal detectors. The metal detectors had a capability of detecting a 20 mm projectile to a depth of at least 12 inches and a 37 mm projectile to a depth of at least 18 inches below the surface. The Army investigated all detected anomalies and removed all metal items larger than a 20 mm projectile (i.e., a metallic object 4/5 inch by 4 inches). A total of 194 DMM items (e.g., fuses and partially detonated munitions) were removed from the Property.

* **Munitions and Explosives of Concern (MEC)**. This term, which distinguishes specific categories of military munitions that may pose unique explosives safety risks, means: (A) Unexploded Ordnance (UXO), as defined in 10 U.S.C. 2710 (e) (9); (B) Discarded military munitions (DMM), as defined in 10 U.S.C. 2710 (e) (2); or (C) Munitions constituents (e.g., TNT, RDX), as defined in 10 U.S.C. 2710(e)(3), present in high enough concentrations to pose an explosive hazard.

ENCLOSURE 4

ENVIRONMENTAL PROTECTION PROVISIONS

ENVIRONMENTAL PROTECTION PROVISIONS

1. CERCLA COVENANTS AND NOTICE

A. CERCLA Covenant

1. Pursuant to Section 120(h)(3) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. Section 9620(h)(3) ("CERCLA"), the Grantor hereby notifies the Grantee, its successors and assigns, of the storage, release and disposal of hazardous substances on the Property. For the purpose of this Deed, "hazardous substances" shall have the same meaning as Section 101(14) of CERCLA. Available information regarding the type, quantity, and location of such substances and the remedial action taken is summarized in Exhibit __ attached hereto [Include FOST Table 2 – Notification of Munitions and Explosives of Concern (MEC) as a Deed Exhibit]. More detailed information regarding the environmental condition of the Property has been provided to the GRANTEE in the _____ Finding of Suitability to Transfer (FOST) dated _____, receipt of which the GRANTEE hereby acknowledges.

2. The Grantor warrants that all remedial action necessary to protect human health and the environment with respect to any hazardous substance remaining on the Property [or subject parcels] has been taken prior to the date of this Deed. The Grantor covenants that any additional remedial action found to be necessary after the date of this Deed with respect to any hazardous substances remaining on the Property herein conveyed shall be conducted by the United States. This covenant shall not apply in any case in which the person or entity to whom the Property is transferred is a potentially responsible party under CERCLA by reason of having caused or contributed to such hazardous substance contamination.

B. Access Rights and Easement

The Grantor reserves a right and easement for access to the Property in any case in which response action or corrective action is found to be necessary on the Property or on adjoining property after the date of this Deed. In exercising these rights of access, Grantor shall use reasonable means, without significant additional cost to the Grantor, to avoid and/or minimize interference with the use of the Property by the Grantee, its successors and assigns. The Grantee shall not through construction or operation/maintenance activities, interfere with any remediation or response action conducted by the Grantor under this paragraph. Grantee agrees that, notwithstanding any other provisions of this Deed, that the Grantor assumes no liability to the Grantee, its successors and assigns, or any other person, should remediation of the Property interfere with the use of the Property by the Grantee, its successors and assigns.

2. FEDERAL FACILITY SITE REMEDIATION AGREEMENT (FFSRA)

The Grantor acknowledges that Sierra Army Depot (SIAD) and the State of California have entered into a Federal Facility Site Remediation Agreement (FFSRA) governing the remediation of the installation. The Grantee acknowledges that the Grantor has provided it with a copy of the FFSRA dated 30 May 1991 and will provide the Grantee with a copy of any amendments thereto. The Grantee, its successors and assigns, agrees that should any conflict arise between the terms of the FFSRA as they presently exist or may be amended, and the provisions of this Deed, the terms of the FFSRA will take precedence. The Grantee, its successors and assigns, further agree that notwithstanding any other provisions of this Deed, the Grantor assumes no liability to the Grantee, its successors and assigns, should implementation of the FFSRA interfere with the their use of the Property. The Grantee, its successors and assigns, shall have no claim on account of any such interference against the Grantor or any officer, agent, employee or contractor thereof. The Grantor shall, however, comply with the provisions of the Access Rights and Easements above in the exercise of its rights under the FFSRA.

3. ENVIRONMENTAL BASELINE SURVEY (“EBS”) AND FINDING OF SUITABILITY TO TRANSFER (“FOST”)

A. The Grantee has received the technical environmental reports, including the Environmental Baseline Survey for the Property dated March 1997, as revised on March 2001 and Addendum E, dated November 2003 (collectively the “EBS”) and the FOST for the Property dated September 2004, prepared by the Grantor, and agrees, to the best of the Grantee’s knowledge, that they accurately describe the environmental condition of the Property. The Grantee has inspected the Property and accepts the physical condition and current level of environmental hazards on the Property and deems the Property to be safe for the Grantee’s intended use.

B. If an actual or threatened release of a hazardous substance or petroleum product is discovered on the Property after the date of this Deed, whether or not such substance was set forth in the technical environmental reports, including the EBS, Grantee or its successors or assigns shall be responsible for such release or newly discovered substance unless Grantee is able to demonstrate that such release or such newly discovered substance was due to Grantor’s activities, ownership, use, or occupation of the Property. Grantee, its successors and assigns, as consideration for this Deed, agree to release Grantor from any liability or responsibility for any claims arising solely out of the release of any hazardous substance or petroleum product on the Property occurring after the date of this Deed, where such substance or product was placed on the Property by the Grantee, or its successors, assigns, employees, invitees, agents or contractors, after this Deed. This Article shall not affect the Grantor’s responsibilities to conduct response actions or corrective actions that are required by applicable laws, rules and regulations, or the Grantor’s indemnification obligations under applicable laws.

4. STATUTORY INDEMNIFICATION

Grantor and Grantee are aware of their respective obligations and responsibilities under section 330, *Indemnification of Transferees of Closing Defense Property*, of the National Defense Authorization Act for Fiscal Year 1993, Public Law 102-484, as amended by section 1002, *Indemnification of Transferees of Closing Defense Property for Releases of Petroleum and Petroleum Derivatives*, of the National Defense Authorization Act for Fiscal Year 1994, Public Law 103-60."

5. NOTICE OF THE POTENTIAL FOR THE PRESENCE OF MUNITIONS AND EXPLOSIVE CONCERN (MEC)

1. The Grantor completed a comprehensive records search and, based on that search, has undertaken and completed statistical and physical testing of areas on the Property where munitions and explosives of concern (MEC) may potentially present an explosive hazard. The term MEC means specific categories of military munitions that may pose unique explosives safety risks and includes: (a) Unexploded Ordnance (UXO), as defined in 10 U.S.C. 2710 (e) (9); (b) Discarded military munitions (DMM), as defined in 10 U.S.C. 2710 (e) (2); or (c) Munitions constituents (e.g., TNT, RDX) , as defined in 10 U.S.C. 2710(e)(3), present in high enough concentrations to pose an explosive hazard.)

2. A review of available records and information indicated that portions of the Property may contain MEC from open burning/open denotation (OB/OD) operations on the adjacent Former Honey Lake Demolition Area and testing of munitions at the Function Test Area on the North East Shore parcel. A total of 194 DMM items (e.g., fuses and partially detonated munitions) were removed from the Property. A summary of MEC discovered on the property is provided in Exhibit __ attached hereto [Include FOST Table 2 – Notification of Munitions and Explosives of Concern (MEC) as a Deed Exhibit]. The Munitions and Explosives of Concern (MEC) Munitions Response Statement dated _____ concluded that the completed munitions response allowed the Property's release for unrestricted use.

3. Based upon the munitions responses conducted, to the best of its knowledge, the Grantor represents that no MEC is currently present on the Property. Notwithstanding the records search and the munitions response conducted by the Grantor, the parties acknowledge that, due to the former use of the Property as an active military installation, there is a possibility that MEC may exist on the Property. If the Grantee, any subsequent owner, or any other person should find any MEC on the Property, they should not disturb, remove or destroy it, but shall immediately call the local police or local fire authorities so that appropriate explosive ordnance personnel can be dispatched to address such MEC as required under applicable law and regulations

4. The Grantee acknowledges receipt of the _____ [List the MEC Munitions Response Statement dated _____ and any other pertinent reports.].

6. INCLUSION OF PROVISIONS

The Grantee, its successors and assigns, shall neither transfer the Property, lease the Property, nor grant any interest, privilege, or license whatsoever in connection with the Property without the inclusion of the environmental protection provisions contained herein, and shall require the inclusion of such environmental protection provisions in all further deeds, transfers, leases, or grants of any interest, privilege, or license.

ENCLOSURE 5


MEC MUNITIONS RESPONSE STATEMENT

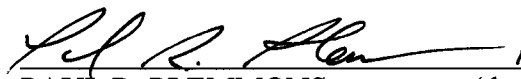
STATEMENT OF CLEARANCE
SIERRA ARMY DEPOT, HERLONG, CALIFORNIA

The following parcel of land on the East Shore Parcel (as indicated in the Finding of Suitability to Transfer (FOST) and the attached four (4) legal descriptions and two (2) maps), located within the boundaries of Sierra Army Depot, in Herlong, California, has been given careful search by American Technologies, Incorporated (ATI) under contract to the U.S. Army Engineering and Support Center, Huntsville (Contract DACA87-00-D-0035, Task Order 0022) and has been cleared of all dangerous and explosive ordnance reasonably possible to detect. All of the scrap was inspected by ATI personnel and certified to be free of explosives. Details of the removal action are contained in the Final Report dated 3 September 2004.

It is recommended that the Explosive Ordnance Disposal Range be used for any purpose for which the land is suited. The Army cannot guarantee that 100% of the OE items were recovered nor can it be guaranteed 100% that there are no live OE items at the site in locations that were not investigated. ***Therefore, it is recommended that reasonable and prudent cautions be taken when conducting intrusive operations in these areas.***

This action has been conducted in accordance with AR 385-61, AR 385-64 and AR 405-90.

 9/2/04
JOHN D. RIVENBURGH (date)
COL, EN
COMMANDING
U. S. ARMY ENGINEERING AND SUPPORT CENTER, HUNTSVILLE

 13 Sep 04
PAUL R. PLEMMONS (date)
COL, U. S. ARMY
COMMANDER, SIERRA ARMY DEPOT

Attachments

North East Shore Parcel

A parcel of land situate in Sections 20, 28, 29, 32 and 33, Township 28 North, Range 16 East, and in Sections 4 and 5, Township 27 North, Range 16 East, Mount Diablo Meridian, Lassen County, California, being a portion of that parcel identified as the "East Shore Parcel" as shown on the Record of Survey of "Amadee Airfield Parcel and Amadee Electrical Substation Parcel and East Shore Parcel and Cross Depot Access Parcel at Sierra Army Depot", recorded at Book 38, Page 42 of Maps, Lassen County Records, more particularly described as follows:

All of that parcel identified as the "East Shore Parcel" as shown on the Record of Survey of "Amadee Airfield Parcel and Amadee Electrical Substation Parcel and East Shore Parcel and Cross Depot Access Parcel at Sierra Army Depot", recorded at Book 38, Page 42 of Maps, Lassen County Records,

Excepting therefrom that portion of said "East Shore Parcel" lying south of the following described line:

Commencing, for reference, from a brass cap in concrete marked "U.S.C.E. 110-19" in said Section 4 as shown in said R/S 12/31/99, thence N 46°04'51" W 689.50 feet to a point on the east line of said "East Shore Parcel", said point being the TRUE POINT OF BEGINNING; thence S 89°32'30" W 1001.41 feet to a point in the west line of said "East Shore Parcel" and the Point of Termination of the Line.

Also excepting therefrom the following:

North East Shore Remainder

A parcel of land situated in Sections 20, 29 & 32, Township 28 North, Range 16 East, Mount Diablo Meridian, Lassen County, California, being a portion of those certain parcels identified as the "East Shore Parcel" and "Amadee Airfield Parcel" said parcels are shown and so designated on the Record of Survey entitled "Amadee Airfield Parcel and Amadee Electrical Substation Parcel and East Shore Parcel and Cross Depot Access Parcel at Sierra Army Depot", recorded in Book 38 of Maps, Pages 42 - 51, Official Records of said Lassen County, being more particularly described as follows:

Commencing at the northwest corner of said "East Shore Parcel", also being the Point of Beginning; thence along the north line thereof North 88°52'52" East a distance of 198.00 feet, to the original position for the quarter corner; thence leaving said common line South 6°49'43" East a distance of 48.36, to a point along a barbed wire fence; thence South 9°19'25 East a distance of 1312.39 feet; thence South 8°35'12" East a distance of 553.63 feet, thence South 89°19'58" East a distance of

North East Shore Parcel

1912.49 feet, being the line that crosses into the "Amadee Airfield Parcel"; thence South $0^{\circ}40'7''$ West a distance of 2800.05 feet, being the line that returns to the East Shore Parcel; thence North $89^{\circ}19'36''$ West a distance of 1452.46 feet; thence South $12^{\circ}16'26''$ East a distance of 3780.28 feet; thence South $9^{\circ}1'3''$ East a distance of 2609.78 feet; thence South $8^{\circ}0'57''$ East a distance of 2711.53 feet; thence South $0^{\circ}0'50''$ West a distance of 1352.35, to a point along the original western boundary of the "East Shore Parcel"; thence along original East Shore Parcel western boundary North $2^{\circ}35'59''$ West a distance of 1424.47 feet; thence North $8^{\circ}5'59''$ West a distance of 3000.06 feet; thence North $10^{\circ}5'59''$ West a distance of 2733.39 feet; thence North $11^{\circ}35'59''$ West a distance of 2666.73 feet; thence North $11^{\circ}5'59''$ West a distance of 2400.05 feet; thence North $10^{\circ}35'59''$ West a distance of 3000.07, to the Original Point of Beginning and containing 135.54 acres of land, more or less.

Excepting therefrom the following:

West Airfield Remainder

A parcel of land situate in Section 20, Township 28 North, Range 16 East, Mount Diablo Meridian, Lassen County, California, being a portion of that certain parcel identified as the "Amadee Airfield Parcel" as said parcel is shown and so designated on the Record of Survey entitled "Amadee Airfield Parcel and Amadee Electrical Substation Parcel and East Shore Parcel and Cross Depot Access Parcel at Sierra Army Depot", recorded in Book 38 of Maps, Page 42, Official Records of said Lassen County, being more particularly described as follows:

Commencing at the northwest corner of that certain parcel identified as "East Shore Parcel" of said Record of Survey; thence along the west line thereof South $10^{\circ}35'59''$ East a distance of 1,940.12 feet; thence leaving said west line of said "East Shore Parcel", East a distance of 1,685.60 feet to a point on the east line of said "East Shore Parcel" said east line being common to the west line of said "Amadee Airfield Parcel" said point on said common line being the True Point of Beginning; thence from said True Point of Beginning along said common line South $10^{\circ}27'38''$ East a distance of 1,493.76 feet; thence leaving said common line North a distance of 1,468.93 feet; thence West a distance of 271.20 feet to said True Point of Beginning and containing 4.572 acres of land, more or less.

End of Description

Containing, less the exceptions, 423.06 acres, more or less.

North Cross Depot Access Parcel

A parcel of land situate in Sections 20, 21, 28, 29 and 33, Township 28 North, Range 16 East, and in Section 4, Township 27 North, Range 16 East, Mount Diablo Meridian, Lassen County, California, being a portion of that parcel identified as the 1054.67 acre "Cross Depot Access Parcel" as shown on the Record of Survey of "Amadee Airfield Parcel and Amadee Electrical Substation Parcel and East Shore Parcel and Cross Depot Access Parcel at Sierra Army Depot", recorded at Book 38, Page 42 of Maps, Lassen County Records, more particularly described as follows:

All of that parcel identified as the "Cross Depot Access Parcel" as shown on the Record of Survey of "Amadee Airfield Parcel and Amadee Electrical Substation Parcel and East Shore Parcel and Cross Depot Access Parcel at Sierra Army Depot", recorded at Book 38, Page 42 of Maps, Lassen County Records,

Excepting therefrom that portion of said "Cross Depot Access Parcel" lying south of the following described line:

Commencing, for reference, from a brass cap in concrete marked "U.S.C.E. 110-19" in said Section 4 as shown in said Record of Survey, thence N 46°04'51" W 689.50 feet to a point on the west line of said "Cross Depot Access Parcel", said point being the TRUE POINT OF BEGINNING;

thence N 89°32'30" E 521.62 feet to a point in the east line of said "Cross Depot Access Parcel" and the Point of Termination of the Line.

End of Description

Containing, less the exception, 174.04 acres, more or less.

Basis of bearings as shown on the Record of Survey of "Amadee Airfield Parcel and Amadee Electrical Substation Parcel and East Shore Parcel and Cross Depot Access Parcel at Sierra Army Depot", recorded at Book 38, Page 42 of Maps, Lassen County Records.

Amadee Electrical Substation Parcel

A parcel of land situate in Sections 20 and 21, Township 28 North, Range 16 East, Mount Diablo Meridian, Lassen County, California, being that parcel identified as the "Amadee Electrical Substation Parcel" as shown on the Record of Survey of "Amadee Airfield Parcel and Amadee Electrical Substation Parcel and East Shore Parcel and Cross Depot Access Parcel at Sierra Army Depot", recorded at Book 38, Page 42 of Maps, Lassen County Records.

End of Description

Containing 1.13 acres, more or less.

Basis of bearings as shown on the Record of Survey of "Amadee Airfield Parcel and Amadee Electrical Substation Parcel and East Shore Parcel and Cross Depot Access Parcel at Sierra Army Depot", recorded at Book 38, Page 42 of Maps, Lassen County Records.

West Airfield Parcel

A parcel of land situate in Sections 20 through 27, Township 28 North, Range 16 East, Mount Diablo Meridian, Lassen County, California, being a portion of that parcel identified as the "Amadee Airfield Parcel" as shown on the Record of Survey of "Amadee Airfield Parcel and Amadee Electrical Substation Parcel and East Shore Parcel and Cross Depot Access Parcel at Sierra Army Depot", recorded at Book 38, Page 42 of Maps, Lassen County Records, more particularly described as follows:

All of that parcel identified as the "Amadee Airfield Parcel" as shown on the Record of Survey of "Amadee Airfield Parcel and Amadee Electrical Substation Parcel and East Shore Parcel and Cross Depot Access Parcel at Sierra Army Depot", recorded at Book 38, Page 42 of Maps, Lassen County Records;

Excepting therefrom that portion of said "Amadee Airfield Parcel" lying east of the following described line:

Commencing, for reference, from the northwest corner of Section 21, marked by a 2" Brass Cap marked "GLO-1942" as shown in said Record of Survey, thence along the north section line and north line of said "Amadee Airfield Parcel" N 89°41'46" E 1458.20 feet to a point, said point being the TRUE POINT OF BEGINNING; thence S 05°50'29" E 4851.40 feet to a point on the south line of said "Amadee Airfield Parcel" and the Point of Termination of the Line.

Also excepting therefrom the following:

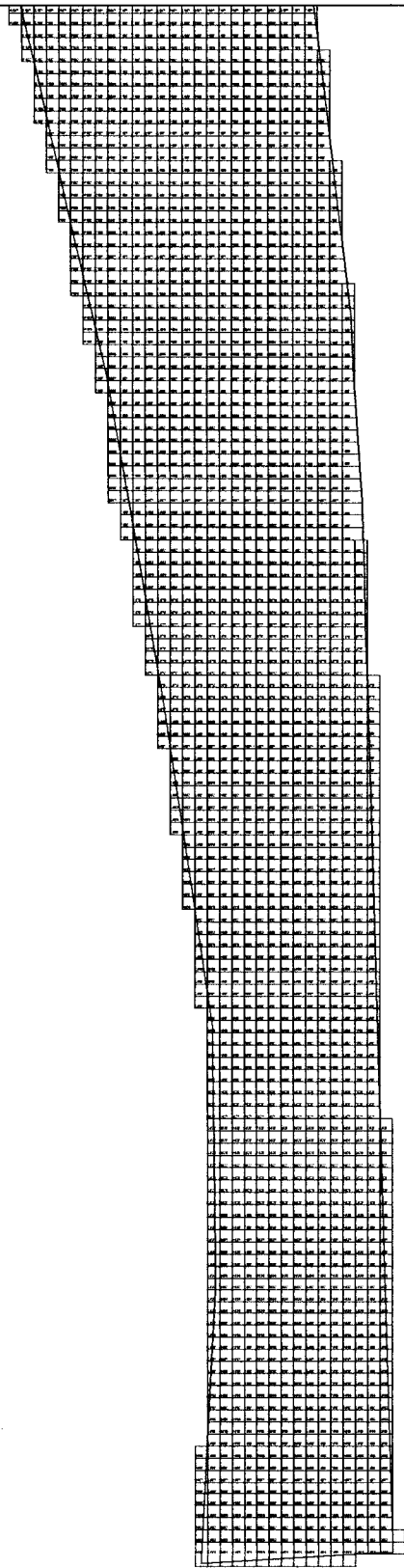
West Airfield Remainder

A parcel of land situate in Section 20, Township 28 North, Range 16 East, Mount Diablo Meridian, Lassen County, California, being a portion of that certain parcel identified as the "Amadee Airfield Parcel" as said parcel is shown and so designated on the Record of Survey entitled "Amadee Airfield Parcel and Amadee Electrical Substation Parcel and East Shore Parcel and Cross Depot Access Parcel at Sierra Army Depot", recorded in Book 38 of Maps, Page 42, Official Records of said Lassen County, being more particularly described as follows:

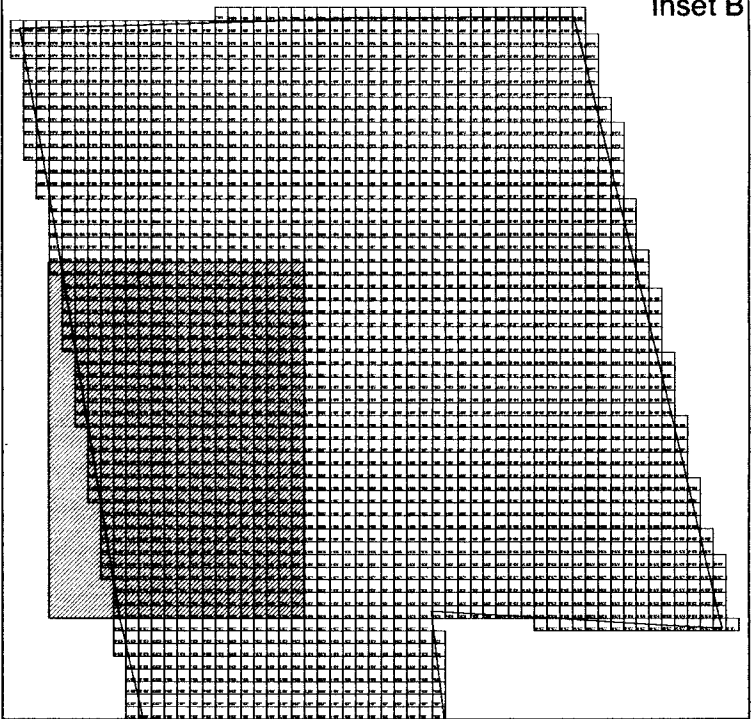
Commencing at the northwest corner of that certain parcel identified as "East Shore Parcel" of said Record of Survey; thence along the west line thereof South 10°35'59" East a distance of 1,940.12 feet; thence leaving said west line of said "East Shore Parcel", East a distance of 1,685.60 feet to a point on the east line of said "East Shore Parcel" said east line being common to the west line of said "Amadee Airfield Parcel" said point on said common line being the True Point of Beginning; thence from said True Point of Beginning along said common line South 10°27'38" East a distance of 1,493.76 feet; thence leaving said common line North a distance of 1,468.93 feet; thence West a distance of 271.20 feet to said True Point of Beginning and containing 4.572 acres of land, more or less.

End of Description

Containing, less the exceptions, 257.35 acres, more or less.

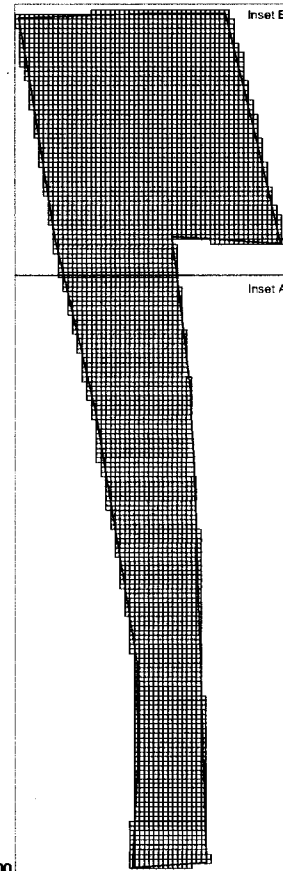


Inset A



Inset B

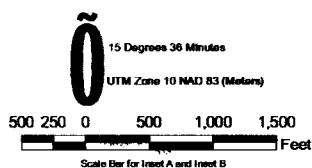
Site Map



2,000 1,000 0 2,000
Feet

Legend

- 100ft x 100ft Grid
- Surveyor Boundary
- Exception Area



15 Degrees 36 Minutes
UTM Zone 10 NAD 83 (Meters)

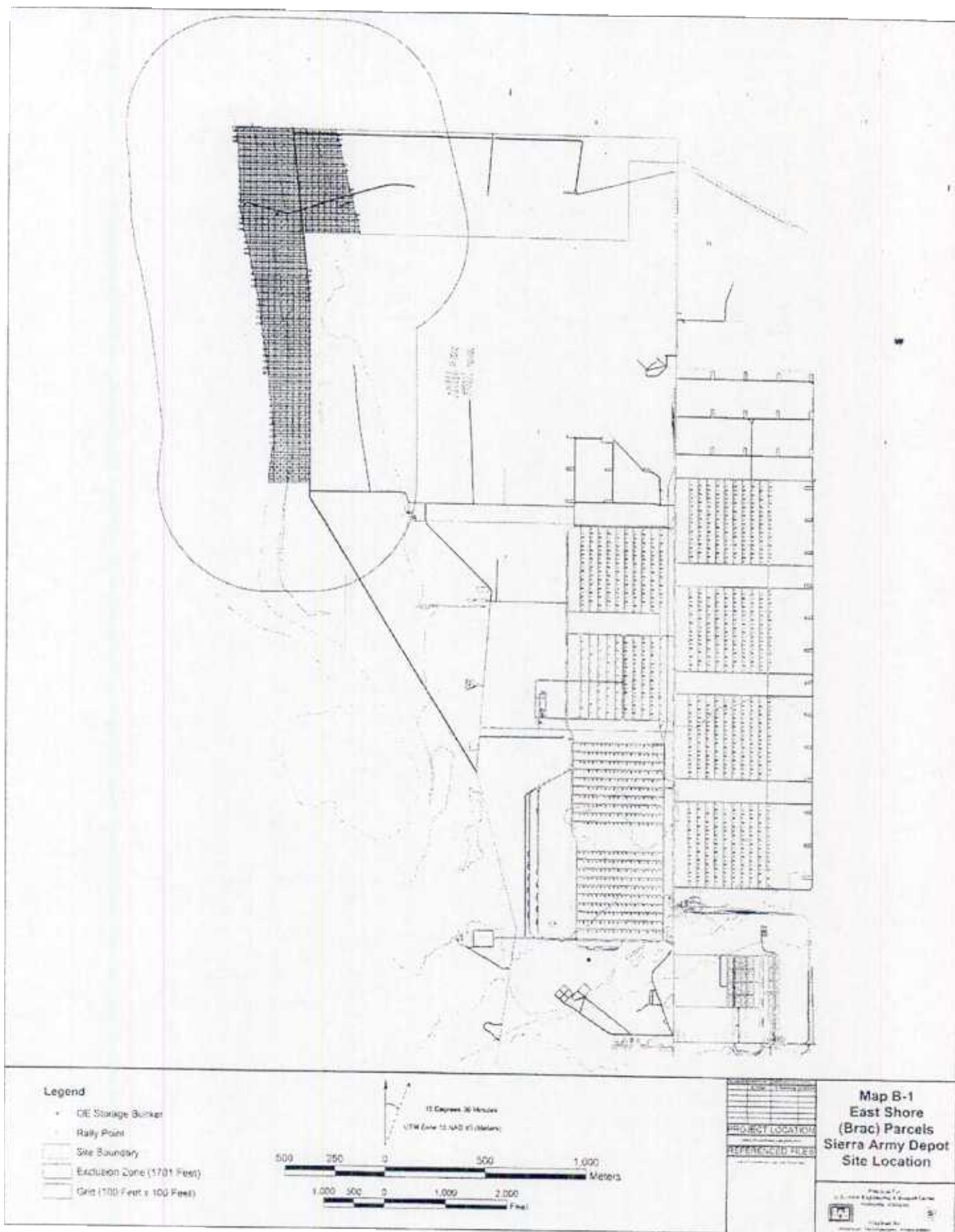
REVISION			
No.	Date	By	Desc.
1	11/1/11	B. C. C.	Initial
2	11/1/11	B. C. C.	Initial
3	11/1/11	B. C. C.	Initial
4	11/1/11	B. C. C.	Initial
5	11/1/11	B. C. C.	Initial
6	11/1/11	B. C. C.	Initial
7	11/1/11	B. C. C.	Initial
8	11/1/11	B. C. C.	Initial
9	11/1/11	B. C. C.	Initial
10	11/1/11	B. C. C.	Initial

REFERENCES FILES
Actual Topography, Land Use, and Other Data

Map B-3
East Shore
(Brac) Parcels
Sierra Army Depot
Empty Grids

Prepared For:
U.S. Army Engineering & Support Center
Huntsville, Alabama

Prepared By:
American Technologies, Incorporated



ENCLOSURE 6

REGULATORY/PUBLIC COMMENTS

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL COMMENTS ON THE
DRAFT FINDING OF SUITABILITY TO TRANSFER (FOST) FOR THE NORTH
EAST SHORE PARCEL, WEST AIRFIELD PARCEL, AND NORTH CROSS
DEPOT ACCESS PARCEL – SIERRA ARMY DEPOT (JULY 2004), DATED
AUGUST 19, 2004:**



Terry Tamminen
Agency Secretary
CalEPA



Department of Toxic Substances Control

8800 Cal Center Drive
Sacramento, California 95826-3200



Arnold Schwarzenegger
Governor

August, 19, 2004

Mr. Mike Erickson
CALIBRE
11001 West 120th Street #400
Broomfield, Colorado 80021

**COMMENTS ON THE DRAFT FINDING OF SUITABILITY TO TRANSFER (FOST)
FOR THE NORTH EAST SHORE PARCEL, WEST AIRFIELD PARCEL, AND NORTH
CROSS DEPOT ACCESS PARCEL - SIERRA ARMY DEPOT (July 2004)**

Dear Mr. Erickson

The Department of Toxic Substances Control (DTSC) has completed its review of the above referenced document, received by DTSC on July 19, 2004. DTSC has the following concerns and comments:

DTSC has a general concern that the Army's actions, leading up to the proposed transfer of this property to Lassen County, do not meet either the spirit, or the intent, of the Department of Defense Policy and Guidance for Findings of Suitability to Transfer. Providing a rough "fill-in-the-blank" draft of the FOST for public review prior to, and in anticipation of, successful completion and documentation of the response action does not provide for adequate public and regulatory participation. This FOST does not demonstrate compliance with all applicable environmental cleanup requirements nor does it demonstrate compliance with Section 120(h) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) prior to transfer, and the pace of this process appears to interfere with the proper implementation of the response action.

The Army's stated intent at the beginning of the public comment period was that the response action would be completed and the response action completion report would be submitted for review and approval prior to the completion of the public comment period. As of today, the public comment period for the FOST ends. The primary documents intended to support the suitability for transfer finding have not yet been produced. Further, DTSC understands that the response action for the proposed transfer property has not been completed, and will not be completed in time to transfer the entire parcel. The Army intends to carve out a portion of the North East Shore

Parcel in order to complete response actions and transfer the carved-out property at a later time. Only limited time remains for the proper review of response action completion documentation once it is submitted.

DTSC hopes that this process does not become the norm. Significantly reducing schedules and pressuring response action contractors to meet an arbitrary transfer goal can only reduce the effectiveness of the response action. DTSC recommends the Army not release "rough draft" FOSTs for public comment, and instead only release "draft final" FOSTs once all remedial actions are completed, and all supporting documentation has been reviewed and approved.

DTSC's specific comments are as follows:

Section 3.2, page 4, last paragraph: DTSC recommends removal of the word "remote" from the next to last sentence in the paragraph. Just as was stated in the Remedial Action Plan, due to the method of detection, method of implementation, and limited Quality Control and Quality Assurance used for the response action, the Army cannot make any quantitative predictions as to the potential for remaining Munitions of Explosive Concern (MEC).

Section 3.2, page 5, "Note-": The FOST should state that the Land Use Covenant will restrict future land use to prevent future sensitive uses, such as residential use, and will restrict digging in areas where the potential for MEC remains, without an approved site safety plan. Additionally, the Land Use Covenant will require a soil management plan and regular monitoring and reporting.

Section 4 – Adjacent Property Conditions: The FOST states that the presence of MEC on the adjacent property does not present an unacceptable risk to human health and the environment because the Army previously completed a surface removal of MEC from the lakebed portion of the Honey Lake Demolition Area. DTSC does not concur that the surface removal of MEC and installation of warning signs has reduced the risk to human health and the environment from MEC to acceptable levels. This statement can only be made when the final remedy for the Demolition Area has been fully implemented. This section should be modified to indicate that the immediate risk to human health from MEC on the adjacent Demolition area has been reduced as a result of the surface removal and the installation of warning signs, but that risk to human health and the environment remains on the property until an approved final remedy has been fully implemented.

Mr. Mike Erickson
August 19, 2004
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Based on the above stated concerns and comments, DTSC concludes that as of the closing date of the comment period, the property is not suitable for transfer.

If you have any questions regarding these comments and concerns, please contact me at (916) 255-3683.

Sincerely,



John Harris
Hazardous Substances Scientist
Federal Facilities Unit

cc Ms. Regina Schaap
Lassen County
Department of Community Development
707 Nevada Street, Suite 1
Susanville, California 96130

Colonel Paul Plemmons
Commanding Officer
Sierra Army Depot
Attn: SMA-SI-CO
Herlong, California 96113

Mr. Adrian Nakayama
Program Manager-Sierra Army Depot
U.S. Army Base Realignment and Closure Office
Room 2D673, DAHM-BO
600 Army Pentagon
Washington, DC 20310-0001

Mr. Mike Erickson
BRAC Environmental Coordinator
Attn: SOSSI-PWB
Sierra Army Depot
Herlong, California 96113

Mr. Mike Erickson
August 19, 2004
Page 4

cc: Mr. Chuck Hubbard
United States Army Engineering District – Sacramento
Attn: CESPK-PM-M
1325 J Street
Sacramento, California 95814

Mr. Mike Wolfram
SFD-3
United States Environmental Protection Agency
75 Hawthorne Street
San Francisco, California 94105

ENCLOSURE 7

ARMY RESPONSE TO REGULATORY/PUBLIC COMMENTS

**CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)
COMMENTS ON THE DRAFT FINDING OF SUITABILITY TO TRANSFER
(FOST) FOR THE NORTH EAST SHORE PARCEL, WEST AIRFIELD
PARCEL, AND NORTH CROSS DEPOT ACCESS PARCEL – SIERRA ARMY
DEPOT (JULY 2004), DATED AUGUST 19, 2004 RESPONSES:**

COMMENT 1: DTSC has a general concern that the Army's actions, leading up to the proposed transfer of this property to Lassen County, do not meet either the spirit, or the intent, of the Department of Defense Policy and Guidance for Findings of Suitability to Transfer. Providing a rough "fill-in-the-blank" draft of the FOST for public review prior to, and in anticipation of, successful completion and documentation of the response action does not provide for adequate public and regulatory participation. This FOST does not demonstrate compliance with all applicable environmental cleanup requirements nor does it demonstrate compliance with Section 120(h) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) prior to transfer, and the pace of this process appears to interfere with the proper implementation of the response action.

ARMY RESPONSE: The Army understands DTSC's concerns with providing a draft FOST for public review before the completion of the response action. The "fill-in-the-blank" portion of the FOST was only for the final quantity of items found and was not for any substantive portion of the FOST. The Army believes that the most important portion of the MEC response action is the fact that it was successfully completed. The Army does not agree with DTSC's assertion that the FOST does not provide for adequate public and regulatory participation, or that it does not demonstrate compliance with of CERCLA. The regulators, Restoration Advisory Board (RAB) members, and interested members of the community were all provided copies of the draft FOST, along with an explanation of the Army's intent to complete the work and the status of the response action. These items were also presented and discussed at the RAB meeting on July 7, 2004. The DTSC and EPA were provided draft copies of the Munitions Response Removal Action Report, East Shore Area as requested, and no comments were received from either the DTSC or EPA.

COMMENT 2: The Army's stated intent at the beginning of the public comment period was that the response action would be completed and the response action completion report would be submitted for review and approval prior to the completion of the public comment period. As of today, the public comment period for the FOST ends. The primary documents intended to support the suitability for transfer finding have not yet been produced. Further, DTSC understands that the response action for the proposed transfer property has not been completed, and will not be completed in time to transfer the entire parcel. The Army intends to carve out a portion of the North East Shore Parcel in order to complete response actions and transfer the carved-out property at a later time. Only limited time remains for the proper review of response action completion documentation once it is submitted.

ARMY RESPONSE: The Army committed to DTSC and the EPA that a draft of the Munitions Response Removal Action Report, East Shore Area would be provided prior to completion of the FOST public review period, which it did on 27 July 2004 to DTSC and on 3 August 2004 to EPA. The Army committed to providing the completed Munitions Response Removal Action Report, East Shore Area prior to transfer of the property. It is expected that the final Munitions Response Removal Action Report, East Shore Area will be provided to the regulators by September 14, 2004.

COMMENT 3: DTSC hopes that this process does not become the norm. Significantly reducing schedules and pressuring response action contractors to meet an arbitrary transfer goal can only reduce the effectiveness of the response action. DTSC recommends the Army not release “rough draft” FOSTs for public comment, and instead only release “draft final” FOSTs once all remedial actions are completed, and all supporting documentation has been reviewed and approved.

ARMY RESPONSE: The Army acknowledges DTSC’s concern.

COMMENT 4: Section 3.2, page 4, last paragraph: DTSC recommends removal of the word “remote” from the next to last sentence in the paragraph. Just as was stated in the Remedial Action Plan, due to the method of detection, method of implementation, and limited Quality Control and Quality Assurance used for the response action, the Army cannot make any quantitative predictions as to the potential for remaining Munitions of Explosive Concern (MEC).

ARMY RESPONSE: The Army disagrees with DTSC’s conclusion. The Army’s subsurface response action on the FOST property had a sufficient method of detection, implementation, Quality Control, and Quality Assurance so that the property will be available for unrestricted use. The term “remote” is a qualitative term, not quantitative, and the Army believes that it is appropriate to use it in this context.

COMMENT 5: Section 3.2, page 5, “Note-“: The FOST should state that the Land Use Covenant will restrict future land use to prevent future sensitive uses, such as residential use, and will restrict digging in areas where the potential for MEC remains, without an approved site safety plan. Additionally, the Land Use Covenant will require a soil management plan and regular monitoring and reporting.

ARMY RESPONSE: The requested wording has been added to the Note, except that the soil management plan was changed to site safety plan as that is what is required in the land use covenant. Also, no regular monitoring is identified in the land use covenant, so that was changed to regular reporting.

COMMENT 6: Section 4 – Adjacent Property Conditions: The FOST states that the presence of MEC on the adjacent property does not present an unacceptable risk to human health and the environment because the Army previously completed a surface removal of MEC from the lakebed portion of the Honey Lake Demolition Area. DTSC does not concur that the surface removal of MEC and installation of warning signs has reduced the risk to human health and the environment from MEC to acceptable levels. This statement can only be made when the final remedy for the Demolition Area has been fully implemented. This section should be modified to indicate that the immediate risk to human health from MEC on the adjacent Demolition area has been reduced as a result of the surface removal and the installation of warning signs, but that risk to human health and the environment remains on the property until an approved final remedy has been fully implemented.

ARMY RESPONSE: The Army agrees that the final remedy for Honey Lake will need to be implemented before the risk on Honey Lake is acceptable. However, in this section, the Army is stating that the risk is not unacceptable on the adjacent property for this property transfer. The words “for this property transfer” have been added after the word environment to make the meaning more clear.